



LEICESTER CITY COUNCIL

THE LEICESTER TRAFFIC REGULATION (BUS LANE AND BUS GATE) ORDER 2011

Leicester City Council (hereinafter referred to as "the Council") in exercise of their powers under Sections 1 and 2 of the Road Traffic Regulation Act 1984 ("the Act") and of Part IV of Schedule 9 to the Act and by virtue of both The Road Traffic (Permitted Parking Area and Special Parking Area)(City of Leicester) Order 2006 (SI 3211) made by Order under Section 43 and Schedule 3 of the Road Traffic Act 1991 and The Bus Lane Contraventions (Approved Local Authorities) (England)(Amendment)(No.6)Order 2006(S.I 3212) made by the Secretary of State for Transport pursuant to Section 144 of the Transport Act 2000 and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act hereby make the following Order:-

Section 1

COMMENCEMENT, GENERAL AND DEFINITIONS

Citation and Commencement.

1. (i) This Order may be cited as "The Leicester Traffic Regulation (Bus Lane and Bus Gate) Order 2011" and shall come into force on the 25th day of November 2011

Interpretation.

2. (i) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
- (ii) In this Order except where the context otherwise requires the following expressions shall have the meaning hereby assigned to them:

"approved device" means a device of a description specified in an Order made by the Relevant National Authority in line with Section 144 of the Act of 2000 and adhering to The Bus Lane (Approved Devices) (England) Order 2005.

"bus" and "local bus" means a motor vehicle;

- (a) being a vehicle adapted to carry more than eight passengers excluding the driver; or
- (b) being a vehicle not so adapted being used for the provision of a local service in accordance with Section 2 of the Transport Act 1985.

"bus lane" means an area of road which meets the definition given in Section 144(5) of the Transport Act 2000 being that an area of road is or forms part of a bus lane if the order provides that it may be used—

(a) only by buses (or a particular description of bus), or

(b) only by buses (or a particular description of bus) and some other class or classes of vehicular traffic.

"bus only street" and "bus gate" shall have the same meaning as in the Traffic Signs Manual Chapter 3 part 15.4: "Bus-only streets and bus gates are lengths of road or parts of a road where access is restricted to buses, although sometimes other vehicles such as pedal cycles, taxis and trams are also admitted". They have the same effect as a Bus Lane.

"carriageway" means a way constituting or comprised in a highway being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles.

"cycle" means a pedal cycle not being propelled by mechanical power.

"city" means the City of Leicester.

"contraflow bus lane" means a one way road with an area of road which meets the definition of bus lane allowing the passage of vehicles in the prohibited direction.

"contravention" means a failure to comply with restrictions set out in this Order that may result in the issue of a penalty charge notice.

"date of service" means the last day of the period of 3 consecutive working days beginning with the first day of posting. If the notice is not posted on a working day, the first working day after the date of posting will be the first day of posting.

"detection date" means the date on which a vehicle was detected as contravening this Order, according to the record produced by an approved device.

"Council" means the Leicester City Council.

"driver" means the person driving the vehicle and includes any separate person who acts as a steersman in addition to the driver.

"emergency service vehicle" means a vehicle operated by the police, fire & rescue service or ambulance service.

"enactment" includes any Act, Order or regulation made under any Act.

"Licensed Hackney Carriage" means a Hackney Carriage licensed under Section 37 of the Town Police Clauses Act 1847.

"motor cycle" and "motor vehicle" have the meaning as in section 136 of the 1984 Act.

"offence" means a failure to comply with restrictions set out in this Order that may result in the issue of a fine under any Enactment that makes any provision of this Order a criminal offence.

"one way street" means a highway in which the driving of vehicles otherwise than in the direction as indicated in the relevant Order is prohibited.

"owner" in relation to a vehicle, means the person by whom the vehicle is kept. In determining who was the owner of the vehicle at any time it shall be presumed that the owner was the person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994 or the person who has the use of such vehicle in the course of his/her employment and is entitled to use such vehicle as if he/she were the registered keeper.

"PCN" mean a Penalty Charge Notice.

"pedal cycle" means a unicycle, bicycle, tricycle or cycle having four or more wheels, not being in any case mechanically propelled unless it is an electrically assisted pedal cycle of such class as is to be treated as not being a motor vehicle for the purposes of the 1984 Act.

"penalty charge" and "reduced penalty charge" means a charge set by the Council under regulation 4 of The Bus Lane Contraventions (Penalty Charge, Adjudication and Enforcement) (England) Regulations 2005("the 2005 regulations") and with the approval of the Secretary of State for Transport which is to be paid to the Council within 28 days beginning with the date of the notice, or 14 days in the case of a reduced penalty charge, following the issue of a penalty charge notice.

"penalty charge notice (PCN)" means a notice issued by a person authorised to do so by the council pursuant to the provisions of regulation 8 of the 2005 regulations.

"hours of operation" means the period specified in column 2 of section 2 being the period during which a designated bus lane restriction applies.

"Relevant National Authority" means the Secretary of State in respect to England.

"Relevant Particulars" means particulars relating to the identity of the keeper of the vehicle contained in the register of mechanically propelled vehicles maintained by the Relevant National Authority under the Vehicle Excise and Registration Act 1994.

"road marking" means a traffic sign consisting of a line or mark or legend on the surface of the road of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under, Section 64 of the 1984 Act.

"statutory grounds" means grounds for appeal defined in regulation 9.2 of the 2005 Regulations.

"traffic sign" means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under, Section 64 of the 1984 Act.

"taxi" means a Hackney Carriage vehicle licensed under section 37 of the Town Police Clauses Act 1847.

"undertaker" has the meaning as in section 48 of The New Roads And Street Works Act 1991.

"vehicle" means:-

- a) a mechanically propelled vehicle, intended or adapted for use on the road;
- b) a pedal cycle in actual use for the purpose of cycling. See motor vehicle.

3. The restrictions and prohibitions imposed by this Order are in addition to and not in derogation of any restriction, prohibition or requirement imposed by any other enactment and any exception or exemption from the provisions of this Order is without prejudice to the provisions of any other enactment.
4. Any reference in this Order to a road by its name shall be construed as a reference to the road in the City bearing that name as identified and defined in the Leicester City Council document 'List of Streets' in accordance with Section 36(6) of the Highways Act 1980.
5. Any reference to a part number in this Order shall be construed as a reference to the traffic restriction detailed in Section 2 bearing that part number.
6. The locations, roads, areas of road or lengths of road specified in Column 2 of Schedule 1 to this order shall be subject to the restrictions set out in Column 1 of Schedule 1 identified by the part number. To assist in identifying the location of any restriction a summary of the restriction may be included in the location description in Column 2 of Schedule 1. Regardless of that summary the restriction shall be defined by the full description of that restriction as identified by the part number contained in Section 2 of this order.
7. The restrictions imposed on the locations, roads, areas of road or lengths of road specified in Column 2 of Schedule 1 to this order shall be subject to such conditions as may be specified in Column 3 of Schedule 1 by a number referring to a condition defined in Article 10 of this order.
8. For the purpose of this order unless otherwise stated the location of a restriction identified in Column 2 of Schedule 1 which refers to a measurement from a junction shall be construed as a measurement from the intersection of the highway boundaries on the side of the junction in which direction the measurement is prescribed. Where a restriction identified in column 2 of schedule 1 is stated as commencing from or extending to a junction with another road it shall be construed as starting from or extending to a point at the intersection of the centrelines of the two roads.
9. Unless otherwise stated all restrictions specified in this order shall be deemed to apply to the whole of the carriageway as defined by and at the location specified in column 2 of schedule 1 to this order.

Section 2

BUS LANE TRAFFIC RESTRICTIONS

Column 1	Column 2
Part 800	BUS LANE 24 HOUR Save as provided in Column 3 in Schedule 1 to this Order no person shall cause or permit any vehicle except a bus or local bus to be in, enter or proceed on any of the lengths or areas of road described in Schedule 1 to this Order.
Part 801	BUS LANE 7:30am – 9:30am Monday to Friday Save as provided in column 3 in Schedule 1 to this Order no person shall cause or permit any vehicle except a bus or local bus to be in, enter or proceed on any of the lengths or areas of road described in Schedule 1 to this Order between 7:30am and 9:30am Monday to Friday.
Part 802	BUS LANE 4pm – 6pm Monday to Friday Save as provided in column 3 in Schedule 1 to this Order no person shall cause or permit any vehicle except a bus or local bus to be in, enter or proceed on any of the lengths or areas of road described in Schedule 1 to this Order between 4pm and 6pm Monday to Friday.
Part 803	BUS GATE 24 HOUR Save as provided in column 3 in Schedule 1 to this Order no person shall cause or permit any vehicle except a bus or local bus to enter or be in any of the lengths of road described in Schedule 1 to this Order.
Part 804	BUS ONLY ROAD 24 HOUR Save as provided in column 3 in Schedule 1 to this Order no person shall cause or permit any vehicle except a bus or local bus to be in, enter or proceed on any of the lengths of road described in Schedule 1 to this Order.

Section 3

Conditions and Exclusions.

10. Exclusions:-

- I. It shall not be a contravention to cause or permit any vehicle to be in, enter, or proceed on any length of road specified in Column 2 of Schedule 1 to this Order provided that the vehicle is a licensed hackney carriage.
- II. It shall not be a contravention to cause or permit any vehicle to be in, enter or proceed on any length of road specified in Column 2 of Schedule 1 to this Order provided that the vehicle is a cycle.
- III. It shall not be a contravention to cause or permit any vehicle to be in, enter or proceed on any length of road specified in Column 2 of Schedule 1 to this Order provided that the vehicle is an emergency service vehicle if that vehicle is responding to an emergency incident and it is reasonably necessary for that vehicle to enter or proceed on the bus lane.

- IV. It shall not be a contravention to cause or permit any vehicle to be in, enter or proceed on any length of road specified in Column 2 of Schedule 1 to this Order provided that the vehicle is a vehicle being used in connection with the removal of any obstruction in the bus lane.
- V. It shall not be a contravention to cause or permit any vehicle to be in, enter or proceed on any length of road specified in Column 2 of Schedule 1 to this Order provided that the vehicle is a vehicle being used for public cleansing purposes for or on behalf of the Council.
- VI. It shall not be a contravention to cause or permit any vehicle to be in, enter or proceed on any length of road specified in Column 2 of Schedule 1 to this Order provided that the vehicle is a vehicle being used in connection with any building operation demolition or excavation in or adjacent to the bus lane, or the maintenance improvement or reconstruction of the bus lane, or the maintenance improvement or re-construction of any length of road, or to enable work by any Undertaker to be carried out relating to any pipe, cable, sewer or apparatus in, on or over that road, or the placing, maintenance or removal of any traffic sign, "Bus Stop", bus shelter and notices or other things attached or to be attached thereto, provided that in all the circumstances it is reasonably necessary for the vehicle to enter the bus lane.
- VII. It shall not be a contravention to cause or permit any vehicle to be in, enter or proceed on any length of road specified in Column 2 of Schedule 1 to this Order provided that the vehicle is a vehicle being operated by Network Rail when responding to an incident on the rail network provided that it is reasonably necessary for the vehicle to enter the bus lane.
- VIII. It shall not be a contravention to cause or permit any vehicle to be in, enter or proceed on any length of road specified in Column 2 of Schedule 1 to this Order provided that the vehicle is operated by and displaying the livery of Royal Mail for so long as may be necessary to collect or deliver letters or postal packets in pursuance of any statutory duties of Royal Mail to collect or deliver letters or postal packets provided that it is reasonably necessary for the vehicle to enter the bus lane.
- IX. It shall not be a contravention to cause or permit any vehicle to be in, enter or proceed on any length of road specified in Column 2 of Schedule 1 to this Order so long as necessary for any vehicle to cross the bus lane when necessary to enter or leave land or premises adjacent to the bus lane.
- X. It shall not be a contravention to cause or permit any vehicle to be in, enter or proceed on any length of road specified in Column 2 of Schedule 1 to this Order only for so long as may be necessary to enable a person to board or alight from any vehicle.
- XI. It shall not be a contravention to cause or permit any vehicle to be in, enter or proceed on any length of road specified in Column 2 of Schedule 1 to this Order provided that the vehicle is obliged to do so in order to avoid an accident, or is prevented from proceeding by circumstances outside the driver's control.

11. Nothing in this Order shall apply to anything done with the permission or at the direction of a police constable in uniform or such other persons in uniform appointed for that purpose by the Chief Constable for Leicestershire.

Section 4

Contraventions & Enforcement of Restrictions Imposed By This Order.

12. The Council will carry out civil enforcement of any contravention of any prohibitions, restrictions or provisions of this Order by permitting the imposition of a Penalty Charge only on the basis of a record produced by the means of "Approved Device".
13. Where the Council have reason to believe that a Penalty Charge is payable in relation to a vehicle which has contravened this Order the Council will serve a Penalty Charge Notice (PCN) in accordance with the 2005 regulations:-
 - a. on the person appearing to be the owner or keeper of the vehicle or
 - b. on the person appearing to be the person liable to pay the charge.
14. A PCN shall be served before the end of the period of 28 days beginning with the detection date, the Council shall continue to be entitled to serve a PCN during a further period of six months, beginning with the detection date, provided that: -
 - a. the Council has made a request within 14 days of the Detection Date to the Relevant National Authority for the supply of Relevant Particulars, and
 - b. those particulars have not been supplied before the date after which the Council would not be entitled to serve a PCN by the virtue of this Order.
15. If a vehicle owner, keeper or driver contravenes any prohibitions or restrictions of this Order, a charge set by the City of Leicester pursuant to Regulations under Section 144 of the Act of 2000 the Penalty Charge is to be paid in the manner described in the notice within 28 days of the Date of Service of the PCN or within 14 days of the Date of Service of the PCN in the case of a reduced penalty charge.
16. When the owner, keeper or driver has been identified the Council will issue a PCN in accordance with this Order and send the PCN by first class post.
17. A PCN must state: -
 - a. the registration mark of the vehicle or where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle involved in the alleged contravention;
 - b. the date and time at which the Authorised Officer first noticed that a contravention of this Order had occurred in respect of the date known as the Contravention Date;
 - c. the grounds on which the Authorised Officer believes that a Penalty Charge is payable with respect to that vehicle;
 - d. the amount of the Penalty Charge which is payable;
 - e. that the Penalty Charge must be paid before the end of the period of 28 days beginning with the date of service of the PCN;

- f. that if the penalty charge is paid before the end of the period of 14 days beginning with the Date of Service of the PCN, there shall be reduced by one half;
 - g. that representations may be made on any of the Statutory Grounds of appeal, to the Council against the imposition of the Penalty Charge but that representations made outside the 28 day period may be disregarded;
 - h. what are the Statutory Grounds of appeal;
 - i. the postal address to which representations are to be sent;
 - j. any electronic mail address or FAX number to which representations may be sent as an alternative to the postal address;
 - k. that, if the Penalty Charge is not paid and no representations have been made before the end of the 28 day period from the Date of Service, the Council may increase the Penalty Charge by half and take steps to enforce payment of the charge as so increased;
 - l. the manner in which the penalty charge may be paid;
 - m. that if the representations are rejected by the Council, an appeal may be made on any of the Statutory Grounds to an adjudicator in respect of a Penalty Charge;
 - n. the recipient of the PCN, may by notice in writing to the Council, request that an office be made available during normal office hours as specified on the PCN, for the purpose of viewing by him free of charge and by his representative (if any), the recording of the alleged contravention produced by the Approved Device pursuant to which the PCN was imposed and / or to provide him with still images from that recording as, in the Council's opinion, establish the contravention.
 - o. The date of issue, being the date on which the PCN was produced by the Council;
 - p. the address to which payment of the Penalty Charge must be sent.
18. Where a police officer in uniform is satisfied that a driver of a vehicle has committed an alleged offence under the provisions of this Order such that liability to a Fixed Penalty Notice arises, a police officer may issue such a notice at the time and date of the alleged offence to the driver of the vehicle, which shall include the particulars listed in Section 52 of The Road Traffic Offenders Act 1988.
19. Where the owner, keeper or driver has been issued a PCN by the Council and it is proven by the owner, keeper or driver that he was also issued a Fixed Penalty Notice or a Summons for the same day and time for the same contravention by a police officer, then the Council shall no longer proceed with its PCN or where the PCN was paid in accordance with this Order the amount that was paid will be refunded in full as soon as reasonably practicable.

Section 5

Validity

20. If a Court, the Department for Transport, the Bus Lane/National Parking Adjudication Service or the Traffic Enforcement Centre declares any part of this Order to be invalid or unenforceable, such declaration shall not invalidate the remainder of the Order.

Section 6

21. The Orders listed in Schedule 2 are hereby revoked.

IN WITNESS whereof the Council have caused the Common Seal of the Leicester City Council to be hereunto fixed this 23rd day of November 2011.

EXECUTED AS A DEED by)
LEICESTER CITY COUNCIL by)
affixing its Common Seal the day)
and year first before written)



Authorised Signatory

Schedule 1

Bus lanes, bus gates and bus only roads

Causeway Lane

COLUMN 1

COLUMN 2

COLUMN 3

Part 803

Westbound carriageway;
from its junction with East Bond Street
to a point 5m west of its junction with
East Bond Street

10.i – 10.xi

10.i – 10.vii, 10.xi
m

Rutland Street

COLUMN 1

COLUMN 2

COLUMN 3

Part 803

South-westbound carriageway;
from its junction with Charles Street
to a point 10m south west of its junction
with Charles Street

10.i – 10.xi

10.i – 10.vii, 10.xi m

Schedule 2

Orders to be revoked in whole or in part

1. The Leicester Traffic Regulation(Bus Lane)(Horsefair Street/Rutland Street)Order 1990
2. The Leicester Traffic Regulation(Bus Lane)(Horsefair Street/Rutland Street) (Amendment) Order 1993
3. The Leicester(Consultation)Traffic Regulation Order 2006(Amendment) (Causeway Lane and St Peters Lane) (No.32) Order 2008.

Schedule 1 Causeway Lane Part 114 Prohibition of entry & driving at all times, all motor vehicles ,except for buses and taxis from its junction with Vaughan Way to its junction with East Bond Street in that direction.

4. The Leicester (Consultation) Traffic Regulation Order2006 (Amendment) (Rutland Street) (No.73) Order 2010.

Schedule Rutland Street, Part 100 One Way Street from its junction with Granby Street to its junction with Charles Street in that direction